

105TH CONGRESS
1ST SESSION

H. R. 1324

To amend the Communications Act of 1934 to clarify the authority of the Federal Communications Commission to authorize foreign investment in United States broadcast and common carrier radio licenses.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1997

Mr. MARKEY (for himself, Mr. DINGELL, Mr. KLINK, and Mr. SAWYER) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to clarify the authority of the Federal Communications Commission to authorize foreign investment in United States broadcast and common carrier radio licenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telecommunications
5 Trade and Foreign Investment Act of 1997”.

6 **SEC. 2. FOREIGN OWNERSHIP.**

7 Section 310(b) of the Communications Act of 1934
8 (47 U.S.C. 310(b)) is amended to read as follows:

1 “(b)(1) No broadcast or common carrier or aero-
2 nautical en route or aeronautical fixed radio station license
3 shall be granted to or held by—

4 “(A) any alien or the representative of any
5 alien;

6 “(B) any corporation organized under the laws
7 of any foreign government; or

8 “(C) any corporation of which more than one-
9 fifth of the capital stock is owned of record or voted
10 by a foreign government or representative thereof or
11 by any corporation organized under the laws of a
12 foreign country.

13 “(2) No broadcast radio station license shall be
14 granted to or held by any corporation directly or indirectly
15 controlled by any other corporation of which more than
16 one-fourth of the capital stock is owned of record or voted
17 by aliens, their representatives, or by a foreign govern-
18 ment or representative thereof, or by any corporation or-
19 ganized under the laws of a foreign country.

20 “(3) No common carrier or aeronautical en route or
21 aeronautical fixed radio station license shall be granted
22 to or held by any corporation directly or indirectly con-
23 trolled by any other corporation of which more than one-
24 fourth of the capital stock is owned of record or voted by
25 aliens, their representatives, or by a foreign government

1 or representative thereof, or by any corporation organized
2 under the laws of a foreign country, unless the Commis-
3 sion finds that the public interest will be served by the
4 granting or assignment of such license.

5 “(4) In making the public interest determination
6 specified under paragraph (3), the Commission shall con-
7 sider, among other public interest factors, whether com-
8 petitive opportunities are available to United States na-
9 tionals or corporations in the applicant’s home market. In
10 evaluating the public interest, the Commission shall exer-
11 cise great deference to the President with respect to Unit-
12 ed States national security, law enforcement requirements,
13 foreign policy, the interpretation of international agree-
14 ments with respect to any class of applicants, and inter-
15 national trade policy. Upon receipt of an application that
16 requires a public interest finding under paragraph (3), the
17 Commission shall cause notice thereof to be given to the
18 President or any agencies designated by the President to
19 receive such notification.”.

20 **SEC. 3. EFFECTIVE DATE; REGULATIONS.**

21 (a) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), the amendment made by section 2 is ef-
24 fective upon enactment.

1 (2) PREVIOUSLY ISSUED LICENSES.—Para-
2 graph (2) of section 310(b) of the Communications
3 Act of 1934 (47 U.S.C. 310(b)) (as amended by sec-
4 tion 2 of this Act) shall not require the revocation
5 of any broadcast station license granted or assigned
6 before such date of enactment pursuant to para-
7 graph (4) of such section (as in effect before such
8 date of enactment). This paragraph shall not pre-
9 clude the Federal Communications Commission from
10 applying such paragraph (2) in any proceeding to
11 assign such a station license after such date of en-
12 actment.

13 (b) REGULATIONS.—Within 90 days after the date of
14 enactment of this Act, the Federal Communications Com-
15 mission shall take all actions necessary to implement this
16 Act, including amending its rules and regulations, but the
17 Commission shall not, after such effective date, take any
18 action to enforce any rule, regulation, order, or policy that
19 is inconsistent with this Act and the amendments made
20 by this Act.

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